

## First time in court? Are you entering a plea of guilty?

### Getting Help

It is always a good idea to speak with a lawyer before your matter goes to court. You should do this as soon as possible. Legal Aid ACT can provide free one-off legal advice that anyone can access regardless of income.

If you need more than one-off legal advice from Legal Aid ACT, you may need to apply for a grant of legal assistance. Please visit our website for further information or call the Legal Aid Helpline.

**Legal Aid ACT**  
[www.legalaidact.org.au](http://www.legalaidact.org.au)  
Phone: **1300 654 314**

If you have an appointment with a lawyer, make sure you take all relevant documents relating to your matter to that appointment. You can also ask Legal Aid ACT for an interpreter if you need one.

### Dress and Behaviour

- When appearing in court, dress neatly, as if you were going to a job interview.
- Turn off your phone before entering the court room.
- Address the Magistrate as 'Your Honour' and stand when speaking to them.
- You should only speak when you are spoken to. Remain polite and quiet at all other times.
- Bow when you enter and leave the court room if the Magistrate is sitting.

### Reporting to the Court

- Arrive early and look at the court list inside the front entrance. This will show you if your matter is listed, and which court-room to attend.
- If you can't find your name on the court list, ask someone at the counter for assistance.
- Go to the court room before court starts.
- Let the Court Officer or Magistrate's Associate know you have arrived.
- You may need to wait before your name gets called.
- While you are waiting, stay near the court room. If you need to leave the area, let the Court Officer or Associate know.

### Appearance before the Magistrate

Your name will be called by the Magistrate inside the court room. When your name is called, walk to the table in the centre of the court room. The magistrate will ask you for your name, and may read out your charge/s.

The Magistrate will ask you what you wish to do with your charge/s. You usually have 3 options:

#### 1. **Adjourn** the charge(s) for up to 3 weeks.

This means that the court date will be put off until a later date. If this is your first time to court for these charges, you are able to do this.

If you have been in court before for these same charge(s), the Magistrate may still agree to the adjournment if you provide for good reasons. You must show that you made an effort to get legal advice.

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### 2. **Plead not guilty** to the charge(s).

This means that your matter will be heard after 10 or more weeks. Pleading not guilty results in a 'defended hearing', where witnesses may be called to the court. If you want to plead guilty, it is important to speak with a lawyer and discuss whether your matter is likely to be successful.

### 3. **Plead guilty.**

In this case the charge/s will proceed on the day.

#### **If you plead guilty**

The Prosecutor will read out the statement of facts. They will then tell the Court about your prior criminal history.

#### **Plea in Mitigation**

At this point you can provide a plea in mitigation to the court. A plea in mitigation is an opportunity to tell the Magistrate about yourself and about the circumstances of your offence/s. You can use a plea in mitigation to explain your particular circumstances to the Court. A plea in mitigation may reduce your charges for an offence.

Your plea in mitigation should try to show remorse for your offence.

You should include the following points in a Plea in Mitigation:

Age: Tell the Magistrate your age.

Domestic Arrangements: Describe to the Magistrate your living arrangements, including the details of any partner or child you are helping to support.

Mental Health Issues: If you have mental health issues *that relate to the offence*, this is when you can tell the Magistrate about them.

Education History/Work/Financial Status: Tell the Magistrate if you are studying and/or working, and your weekly net pay. If you are not working, describe your source of income, amount of income and how a fine might impact your financial circumstances.

Circumstances of the Offence: It is often useful to tell the Magistrate about the background to an offence. You should particularly inform the magistrate why you made a mistake resulting in an offence.

Attitude to the Offence: If the Court believes that you feel sorry about committing the offence, the Court might reduce the penalty. If you do regret committing the offence, tell this to the Magistrate.

History of Appropriate Behaviour: It is useful to tell the Magistrate if the offence is out of character. We recommend that you provide the Magistrate with character references. See our 'Character Reference' brochure for guidance.

#### **Pre-Sentence Report**

For some serious charges, or where the Magistrate seeks further background information about you, the Magistrate may ask for a Pre-Sentence Report. If that occurs, your charge(s) will be adjourned for about 6 weeks. During this 6 week period you will need to attend appointments with ACT Corrective Services.

Before you leave the Magistrates Court, speak with the Adult Corrective Services Liaison Officer located in the office on Level 1 outside Court No.1. Make sure that you attend all of your appointments with ACT Corrective Services.

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### Rejecting your plea of guilt

If it appears from your version of events that you are not guilty of the offence, the Magistrate may reject your guilty plea.

Instead, they may offer a non-guilty plea on your behalf.

### Useful Contacts

#### Legal Aid ACT

[www.legalaidact.org.au](http://www.legalaidact.org.au)

Phone: 1300 654 314

#### ACT Magistrates Court

Ground Floor

Knowles Place, Canberra

[www.court.act.gov.au/magistrates](http://www.court.act.gov.au/magistrates)

Phone: (02) 6205 0000

